

REMARKS

Claims 17 to 47 are presently in the application; claims 17 to 24 stand withdrawn as being directed to a method and are canceled hereby; apparatus claims 35 to 39 and 45 and 46 stand provisionally withdrawn from consideration as being directed to an unelected species. It is believed that claim 25, at least, is and remains generic to all species and embodiments. Claims 25 to 33 and 40 to 45 [and presumably 47] stand rejected under 35 USC §102(b) as being anticipated by Boswell (U.S. Patent No. 5,226,892). Claim 34 stands rejected under 35 USC §103(a) as being unpatentable over Boswell in view of Turturro et al (U.S. Patent No. 6,331,165). References Boswell and Turturro et al have been discussed and distinguished in preceding Responses.

The present amendment also is directed to resolving the statement in the Advisory Action of June 1, 2009, concerning the meaning of “pre-formed” found in the unentered Response of May 7, 2009. The term is replaced in claims 25 and 29 with the phrase that the recessed area(s) are defined in at least one, or both, of the first and second top faces prior to engagement with the at least one catheter.

Claim 25 is amended to include the limitation from claim 26 (now being canceled), that “at least one of the first and second top faces further comprises, prior to engaging the at least one catheter, a recessed area disposed between the hinge and the locking member, wherein the recessed area is sized to accept the at least one catheter”. Claim 29 is amended hereby to include the limitation that the recesses in both the first and second portions precede catheter engagement, as shown in Figures 1, 1A, 3, 4 and 6 to 10. Claim 47 is amended hereby to include the limitation that the clamp hinge consists of a single hinge; and new claim 48 is proposed to be entered which includes the limitation that the hinge connects the first portion directly to the second portion; support is found in Figures 1, 1A, 3, 4 and 6 to 10.

With respect to claim 25 as amended, reference Boswell sets forth that foam pads are affixed to the top and bottom sections to frictionally engage the tubing. The artisan of routine skill would understand that the reference’s foam pads as shown in Figure 1 do not compress the tubing but instead become compressed by the tubing. The reference expressly teaches that the laparoscopy tubing 42 incorporates optical fiber bundles 52 therethrough (see column 2, line 60 to column 3, line 7). It is well known that compression of fiber optic bundles commonly distorts the optical signals sent through the fibers, and the reference expresses that the optical fibers are extremely delicate and susceptible to damage. Figure 2 of the reference shows the tubing-engaging surfaces of the foam pads to be free of any recessed areas at tubing-engaging pad

surfaces prior to engagement with the tubing. Thus, the reference uses foam rubber which becomes compressed by the tubing to establish frictional engagement therewith; and not only is there no disclosure of recessed areas being previously formed into the foam rubber, such recesses would defeat the intended and desired establishing of a sufficient frictional engagement with the tubing to accomplish its purpose of holding the tubing. There is no anticipation by reference Boswell. Applicants respectfully traverse the rejection of claim 25.

With respect to claim 29 as amended, the reference does not set forth a recessed area into the tubing-engaging face of both clamping members prior to engagement with the tubing for receipt therein of an object to be secured. Instead, the reference expressly discloses foam pads affixed to the top and bottom portions that do not define any recessed areas, as discussed hereinabove. Resultingly, regarding claims 28 and 31, the reference also does not disclose a rib extending from such recessed area(s). Applicants respectfully traverse the rejection of claims 26 to 31.

With respect to claims 40 to 44 and 47 as amended, the reference discloses three hinges, not a single hinge. The reference's disclosed multiple hinges do not meet the limitation "consisting of a single hinge" and Applicants continue to traverse the rejection.

Further, with respect to claim 44, the reference discloses in Figure 4 that it is the vertical tab 28 that includes the slot 30, and movement of the vertical tab 28 "toward the hinges" (i.e., to the right toward portion 24 in Figures 3 and 4) does not unlock the clamp. Unlocking only occurs when the vertical tab 28 is urged to the left, away from the hinges. For these reasons, Applicants respectfully continue to traverse the rejection.

Reference Turturro et al has been discussed in the preceding Response dated August 21, 2006. With respect to claim 34, references Boswell and Turturro et al have been discussed, and reference Boswell distinguished. Claim 34 depends from claim 25 which is believed to distinguish patentably over the art, and is therefore itself believed to so distinguish.

No new matter has been entered by the present amendment, and allowance of the application is respectfully requested, with rejoinder of the provisionally unelected claims. Please charge any fees related to this submission, to **Deposit Account No. 502434**.

Respectfully submitted,

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(Date)

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